

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**JAMES VECCHIONE**

**10-05863  
CHAPTER 13**

**MOTION FOR RELIEF FROM THE AUTOMATIC  
STAY OF SECTION 362 TO PROCEED WITH EVICTION**

**COMES NOW** American Home Mortgage Servicing, Inc. Servicer for US Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 ("American Home Mortgage Servicing, Inc.") and respectfully shows the Court the following:

1. On July 23, 2010 at 1:30 p.m., the Debtor, James Vecchione filed a petition with the Bankruptcy Court for the Eastern District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the morning the petition was filed, the Debtor was locked out of the real property with an address of 2 Winterfield Place, Durham, NC 27705 ("Property").
3. The subject property was foreclosed upon by American Home Mortgage Servicing, Inc. with a foreclosure sale being held on November 3, 2008.
4. US Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 was the high bidder at the sale with a bid of \$658,524.85.
5. The upset bid period expired on November 13, 2008 prior to the filing of the instant case.
6. Upon information and belief, the lockout for the eviction occurred prior to the bankruptcy filing. Therefore, American Home Mortgage Servicing, Inc. is entitled to possession of the property.
7. Upon information and belief, the debtor's personal property as still in the real property.
8. The rights of the parties became fixed prior to the bankruptcy filing. American Home Mortgage Servicing, Inc. is entitled to possession of the real property.
9. American Home Mortgage Servicing, Inc. seeks relief from the automatic stay of 11 U.S.C. Sec. 362 to remove the debtor's personal belongings from the real property.

**WHEREFORE**, American Home Mortgage Servicing, Inc. prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit American Home Mortgage Servicing, Inc. to proceed with the removal of the debtor's personal property from the real property.
2. As an alternative to the relief prayed for above, grant adequate protection to American Home Mortgage Servicing, Inc. for its interest in the subject property.
3. Grant American Home Mortgage Servicing, Inc. such other and further relief as may seem just and proper.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek  
Kimberly A. Sheek  
N.C. State Bar No.: 34199  
Attorney for Creditor,  
American Home Mortgage Servicing, Inc.  
SHAPIRO & INGLE, L.L.P.  
10130 Perimeter Parkway, Suite 400  
Charlotte, NC 28216  
704/333-8107

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**JAMES VECCHIONE**

**10-05863  
CHAPTER 13**

**NOTICE**

**TAKE NOTICE** that a motion has been filed by American Home Mortgage Servicing, Inc. A copy of the motion accompanies this notice.

**TAKE FURTHER NOTICE** that any response, including objection, to the relief requested in the attached motion, should be filed with the Clerk of the Bankruptcy Court within **FOURTEEN (14) DAYS** of the date of this Notice and a copy served on the attorney identified below and upon other parties as required by law or Court order. Any response shall clearly identify the specific motion to which the response is directed, and it shall comply fully with any Local Bankruptcy Rules applicable.

**TAKE FURTHER NOTICE** that no hearing will be held on this motion unless a response is timely filed and served, in which case, the Court will conduct a hearing and provide notice of the time, date and place of hearing.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek  
Kimberly A. Sheek  
N.C. State Bar No.: 34199  
Attorney for Creditor,  
SHAPIRO & INGLE, L.L.P.  
10130 Perimeter Parkway, Suite 400  
Charlotte, NC 28216  
704/333-8107

10-006344

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**JAMES VECCHIONE**

**10-05863  
CHAPTER 13**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing and annexed pleading or paper upon:

James Vecchione  
2 Winterfield Pl.  
Durham, NC 27705

James Vecchione  
2 Winterfield Pl.  
Durham, NC 27705

Trawick H. Stubbs, Jr.  
Post Office Box 1618  
New Bern, NC 28563

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service.

This the 29th day of July, 2010.

s/ Kimberly A. Sheek  
Kimberly A. Sheek  
N.C. State Bar No.: 34199  
SHAPIRO & INGLE, L.L.P.  
10130 Perimeter Parkway, Suite 400  
Charlotte, NC 28216  
704/333-8107

10-006344



FOR REGISTRATION REGISTER OF DEEDS  
Willie L. Covington  
DURHAM COUNTY, NC  
2008 NOV 17 03:24:32 PM  
BK: 6094 PG: 630-632 FEE: \$17.00  
NC REV STAMP: \$1,318.00  
INSTRUMENT # 2008044032



**TRUSTEE'S DEED**

**08-102496**

Grantee's Address:

U.S. Bank National Association, as Trustee for the Structured  
Asset Investment Loan Trust, 2005-3  
6501 Irvine Center Dr  
Irvine, California 92618

Drawn by and Mail to:

Shapiro & Ingle  
8520 Cliff Cameron Drive, Suite 300  
Charlotte, NC 28269

Tax Code#: 173974

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

\$ 1,318.00 REVENUE STAMPS

THIS DEED, made November 14, 2008 by and between Richard P. McNeely, Substitute Trustee per document recorded in Book 5979 Page 118 Durham County Registry, for First American Title Insurance Company, Trustee, in the deed of trust hereinafter mentioned, of Durham County, North Carolina, hereinafter referred to as "first party"; and U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3, hereinafter, whether one or more, referred to as "second party" (the singular masculine pronoun wherever hereinafter used to be construed as masculine, feminine or neuter and as singular or plural as the context may indicate or require),

WITNESSETH, THAT WHEREAS, Under date of December 27, 2004, James Vecchione and Ana E. Amador Rizo executed and delivered unto First American Title Insurance Company, as trustee, a certain deed of trust which is duly recorded in the office of the Register of Deeds for Durham County, N.C., in Book 4659, Page 840 ; to which reference is hereby made; and whereas, default having occurred in payment of the indebtedness secured by said deed of trust and in the performance of the stipulation and conditions therein contained, due demand was made upon the first party by the owner and holder of the indebtedness secured by said deed of trust or part of same that he foreclose the said deed of trust and sell the property under the terms thereof and a special proceeding having been instituted on March 10, 2008 with the Clerk of Superior Court of Durham County, said special proceeding being number 08 SP 489; and whereas, under and by virtue of the power and authority in him vested by the said deed of trust and in accordance with the terms and stipulation of same and after due advertisement as in said deed of trust provided and as by law required, the first party at 11:00 AM on November 3, 2008 did expose the land described in said deed of trust, and hereinafter described and conveyed, to sale at public auction at the Durham County Courthouse door, when and where U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3

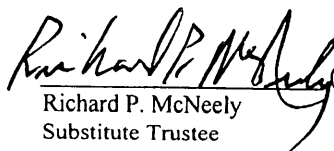
became the last and highest bidder for the said land at the price of \$658,524.85 and whereas the first party duly reported said sale to the Clerk of Superior Court of said county, as by law required, and thereafter said sale remained open ten days and no advance bid was placed thereon within the time allowed by law.

NOW, THEREFORE, In consideration of the premises and of the payment of the said purchase price by U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3, the receipt of which acknowledged, and pursuant to the authority vested in him by the terms of said deed of trust, said first party, substitute trustee as aforesaid, does hereby bargain, sell, grant and convey unto U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-3 all that certain lot or parcel of land, lying and being in, Durham County, State of North Carolina, and more particularly described as follows:

Being all of Lot 153, Croasdaile Farm Three, as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 145, Page 65, to which plat reference is hereby made for a more particular description of same.

TO HAVE AND TO HOLD the said land, together with all the privileges and appurtenances thereunto belonging, unto said second party, its successors and assigns, forever, in as full and ample manner as the first party, substitute trustee, is authorized and empowered to convey the same.

IN WITNESS WHEREOF, The said first party, substitute trustee as aforesaid, has hereunto set his hand and affixed his seal the day and year first above written.

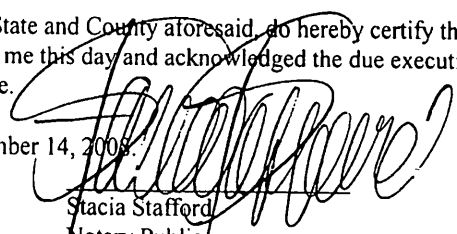
 (SEAL)  
Richard P. McNeely  
Substitute Trustee

STATE OF NORTH CAROLINA

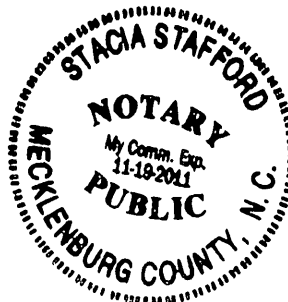
COUNTY OF MECKLENBURG

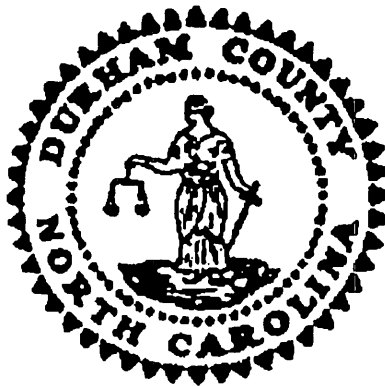
I, Stacia Stafford, Notary Public in and for the State and County aforesaid, do hereby certify that Richard P. McNeely, Substitute Trustee, personally appeared before me this day and acknowledged the due execution by him of the foregoing and attached instrument as substitute trustee.

WITNESS my hand and official seal this November 14, 2008.

  
Stacia Stafford  
Notary Public

My Commission expires: November 19, 2011





WILLIE L. COVINGTON  
REGISTER OF DEEDS, DURHAM COUNTY  
DURHAM COUNTY COURTHOUSE  
200 E. MAIN STREET  
DURHAM, NC 27701

## PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording  
and/or cancellation.

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Filed For Registration: 11/17/2008 03:24:32 PM

Book: RE 6094 Page: 630-632

Document No.: 2008044032

TR-DEED 3 PGS \$17.00

NC REAL ESTATE EXCISE TAX: \$1,318.00

Recorder: JENNIFER H SMITH



2008044032

STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
08SP883

IN THE MATTER OF THE FORECLOSURE OF A DEED  
OF TRUST EXECUTED BY GEORGE M. BARRETT, SR.  
DATED APRIL 14, 2004 AND RECORDED IN BOOK  
3611 AT PAGE 401, IN THE BUNCOMBE COUNTY  
PUBLIC REGISTRY, NORTH CAROLINA

**The record owner(s) of the  
of property, as reflected  
records of the Register of Deeds,  
LaSalle Bank National Association, as trustee for  
Securitized Asset Investment Loan Trust Mortgage  
Pass-Through Certificates Series 2004-8**

**ORDER FOR WRIT OF POSSESSION**

FILED  
2009 APR 27 AM 8:52  
BUNCOMBE CO., C.S.C.  
BY

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, Attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan  
Trust Mortgage Pass-Through Certificates Series 2004-8

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To the Sheriff of Buncombe County, North Carolina -- GREETINGS:

WHEREAS, pursuant to N.C. Gen. Stat. § 45-21.29(k), , Attorney on behalf of LaSalle Bank National  
Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series  
2004-8 made an application for a writ of possession; and

WHEREAS, said statute confers upon the Clerk of Superior Court the power to issue Writs of Possession to  
place the purchaser in possession of the property sold at foreclosure; and

WHEREAS, all of the requisites of the General Statutes of North Carolina have been complied with.

NOW THEREFORE, pursuant to N.C. Gen. Stat. § 45-21.29(l) you are commanded to remove the  
occupants and their personal property from those premises located at 124 Scenic View Dr, Swannanoa, NC 28778,  
and put LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-  
Through Certificates Series 2004-8 in possession of the said premises.

HEREIN FAIL NOT, and make return hereon.

This 27 day of April, 2009.

*Barbara M. L. Asst.*  
CLERK OF SUPERIOR COURT





STATE OF NORTH CAROLINA  
COUNTY OF BUNCOMBE

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

**IN THE MATTER OF THE FORECLOSURE OF A  
DEED OF TRUST EXECUTED BY GEORGE M.  
BARRETT, SR. DATED APRIL 14, 2004 AND  
RECORDED IN BOOK 3611 AT PAGE 401, IN THE  
BUNCOMBE COUNTY PUBLIC REGISTRY, NORTH  
CAROLINA**

The record owner(s) of the  
of property, as reflected  
records of the Register of Deeds, LaSalle Bank  
National Association, as trustee for Securitized  
Asset Investment Loan Trust Mortgage Pass-  
Through Certificates Series 2004-8

APPLICATION FOR WRIT OF POSSESSION

FILED  
APR 27 AM 8:52  
BUNCOMBE CO., N.C.  
08SP883

---

, Attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan  
Trust Mortgage Pass-Through Certificates Series 2004-8

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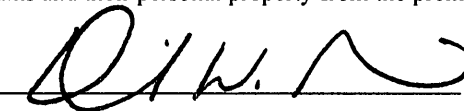
To the Clerk of Superior Court of Buncombe County, North Carolina: The undersigned Applicant being  
attorney on behalf of LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust  
Mortgage Pass-Through Certificates Series 2004-8 in the above duly captioned matter respectfully makes an  
application to the Court pursuant to N.C. Gen. Stat. § 45-21.29(k) and shows unto the Clerk:

That the property described in the Deed of Trust set forth above was duly sold on January 6, 2009; that the  
purchaser is entitled to possession of the property; that the purchase price has been paid; that the sale has been  
consummated; that following the expiration of the statutory 10-day upset bid period on the January 20, 2009 of said  
sale, notification of said sale, was given in writing to the occupants in the possession of said property giving them  
ten (10) days to vacate said property; that to date, said occupants have not vacated the said property.

WHEREAS, all the requisites of the General Statutes of North Carolina have been complied with.

WHEREFORE, this Applicant prays for a Writ to be directed to the Sheriff of Buncombe County, North  
Carolina, directing him to forthwith remove the occupants and their personal property from the premises.

This date being March 3, 2009.



,  
Attorney on behalf of  
LaSalle Bank National Association, as  
trustee for Securitized Asset Investment  
Loan Trust Mortgage Pass-Through  
Certificates Series 2004-8

08-107753

To Schedule lockout dates, please contact Erin Williams at 704-831-2300

OFFICER'S RETURN FOR WRIT OF POSSESSION

Received \_\_\_\_\_, 2009; Returned \_\_\_\_\_, 2009.

\_\_\_\_\_

\_\_\_\_\_ Sheriff of Buncombe County

BY: \_\_\_\_\_

FILED  
2009 APR 27 AM 8:53  
BUNCOMBE CO., C.S.C.  
BY \_\_\_\_\_

**GERALD M. SHAPIRO**  
Admitted in Illinois & Florida only  
**DAVID S. KREISMAN**  
Admitted in Illinois only  
**GRADY I. INGLE**  
Managing Partner

---

**DAVID W. NEILL**  
**DAVID KERN**  
**JASON K. PURSER**  
**JENNIFER RENSING**  
**WENDY M. FLOYD**

 **Shapiro & Ingle** LLP  
**8520 Cliff Cameron Drive, Suite 300**  
**Charlotte, North Carolina 28269**

**VOICE (704) 333-8107**  
**FAX (704) 333-8156**  
<http://shapiroattorneys.com/nc/>

---

**KIMBERLY A. SHEEK**  
**JEFFREY A. BUNDA**  
**KYLE STEWART**  
**JONATHAN P. WILLIAMS**  
**ALEX BOURCIER**

February 17, 2009

Tanya C. Chavis Barrett,  
124 Scenic View Dr  
Swannanoa, NC 28778

RE:   Property Address:   124 Scenic View Dr, Swannanoa, NC 28778  
          Loan#:               0013143045  
          Our File#:          08-107753

You are presently holding possession of the residential premises located at the above address, without right or permission of the present owner, LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8. Demand is hereby made that you vacate the premises immediately.

If you fail to vacate the premises within ten days of receipt of this notice, a court action will be initiated against you to evict you and all other persons on the premises.

**SHAPIRO & INGLE, L.L.P.**



David W. Neill  
Attorney at Law

THIS OFFICE MAY BE DEEMED TO BE A DEBT COLLECTOR AND ANY INFORMATION  
OBTAINED WILL BE USED FOR THAT PURPOSE

**GERALD M. SHAPIRO**  
Admitted in Illinois & Florida only  
**DAVID S. KREISMAN**  
Admitted in Illinois only  
**GRADY I. INGLE**  
Managing Partner

---

**DAVID W. NEILL**  
**DAVID KERN**  
**JASON K. PURSER**  
**JENNIFER RENSING**  
**WENDY M. FLOYD**

 **Shapiro & Ingle** LLP  
**8520 Cliff Cameron Drive, Suite 300**  
**Charlotte, North Carolina 28269**

**VOICE (704) 333-8107**  
**FAX (704) 333-8156**  
<http://shapiroattorneys.com/nc/>

---

**KIMBERLY A. SHEEK**  
**JEFFREY A. BUNDA**  
**KYLE STEWART**  
**JONATHAN P. WILLIAMS**  
**ALEX BOURCIER**

February 17, 2009

Occupant  
124 Scenic View Dr  
Swannanoa, NC 28778

RE:   Property Address: 124 Scenic View Dr, Swannanoa, NC 28778  
          Loan#: 0013143045/  
          Our File#: 08-107753

You are presently holding possession of the residential premises located at the above address, without right or permission of the present owner, LaSalle Bank National Association, as trustee for Securitized Asset Investment Loan Trust Mortgage Pass-Through Certificates Series 2004-8. Demand is hereby made that you vacate the premises immediately.

If you fail to vacate the premises within ten days of receipt of this notice, a court action will be initiated against you to evict you and all other persons on the premises.

**SHAPIRO & INGLE, L.L.P.**



David W. Neill  
Attorney at Law

THIS OFFICE MAY BE DEEMED TO BE A DEBT COLLECTOR AND ANY INFORMATION  
OBTAINED WILL BE USED FOR THAT PURPOSE

IN THE GENERAL COURT OF JUSTICE  
OF NORTH CAROLINA  
SUPERIOR COURT DIVISION  
BUNCOMBE COUNTY  
08SP883

IN THE MATTER OF THE FORECLOSURE OF A DEED  
OF TRUST EXECUTED BY GEORGE M. BARRETT, SR.  
DATED APRIL 14, 2004 AND RECORDED IN BOOK  
3611 AT PAGE 401 IN THE BUNCOMBE COUNTY  
PUBLIC REGISTRY, NORTH CAROLINA

**CERTIFICATE OF SERVICE**

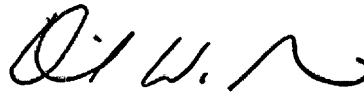
I hereby certify that I have this day served the **Ten Day Notice of Eviction letter** upon:

Tanya C. Chavis Barrett,  
124 Scenic View Dr  
Swannanoa, NC 28778

Occupant  
124 Scenic View Dr  
Swannanoa, NC 28778

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service.

This date being February 17, 2009.



---

David W. Neill  
Attorney at Law  
SHAPIRO & INGLE, L.L.P.  
8520 Cliff Cameron Drive, Suite 300  
Charlotte, NC 28269  
(704) 333-8107

08-107753